

AUG 23 2007

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August 23, 2007

VIA FACSIMILE

To: Supervisory Examiner Ayaz R. Sheikh
Group Art Unit: 2131
U.S.P.T.O. Facsimile No.: 571-273-8300

From: Scott M. Tulino, Esq. Facsimile No.: 703-761-2375 or 76

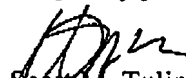
Re: Petition to Restart Period to Respond to Office Action dated July 26, 2007
U.S. Patent Application Serial No.: 09/667,701
Our Ref. No.: USH.015

Dear Supervisory Examiner Sheikh:

Attached herewith is a Petition to Restart Period to Respond to Office Action dated July 26, 2007.

Thank you in advance for your kind consideration on this case.

Very truly yours,


Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

SMT:SMM
Attachment
Number of pages (including this cover sheet): 4

AUG 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoshiki Kawaoka et al.

Serial No.: 09/667,701

Group Art Unit: 2131

Filed: September 22, 2000

Examiner: Moorthy, Aradvind K.

For: IMAGE SERVER AND METHOD OF CONTROLLING SAME

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PETITION TO RESTART PERIOD TO RESPOND TO OFFICE ACTION

In response to the Office Action dated July 26, 2007, Applicants Petition for the Examiner to issue a new Office Action and to restart the period to respond to the Office Action.

Applicants point out that "[w]here the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by the applicant" (see M.P.E.P. § 710.06; emphasis added by Applicants).

Applicants submit that the Office Action dated July 26, 2007 contains a defect, which should be corrected by the Examiner.

That is, Applicants submit that the Office Action dated July 26, 2007 fails to properly address every claim pending the Application.

Specifically, the Office Action summary indicates that claims 1, 2, 4-7, 9-12, 14, and 16-20 are pending in the Application and that claims 1, 2, 4-6, 10-12, 14, 16, 17, 19, and 20 stand rejected. The Office Action, however, does not properly set forth a ground of rejection

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for each of claims 1, 2, 4-6, 10-12, 14, 16, 17, 19, and 20.

That is, the sole rejections set forth in the Office Action dated July 26, 2007 are as follows:

- 1) Claims 1, 10-12, 14, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kurachi (U.S. Patent No. 6,181,436);
- 2) Claims 1, 10-12, 14, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Thorne, et al. (U.S. Patent No. 5,958,005; hereinafter "Thorne"); and
- 3) Claim 2 stands rejected under 35 § 103(a) as being unpatentable over Kurachi in view of Koyama et al. (U.S. Patent No. 6,011,897; hereinafter "Koyama").

The Office Action does not properly set forth a ground of rejection for claims 4-6, 16, and 17.

Applicants respectfully submit there is clearly a defect in the Office Action dated July 26, 2007.

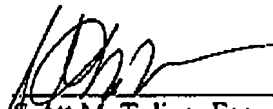
Additionally, since the defect in the Office Action is being brought to the attention of the Examiner within one month from the mailing date of the Office Action, the Examiner, in accordance with M.P.E.P. § 710.06, must correct the defect in the Office Action, restart the period to respond to the Office Action, and issue a new Office Action.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: August 23, 2007



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

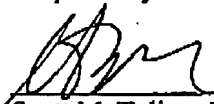
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2131, at (571) 273-8300, on August 23, 2007.

Respectfully Submitted,

Date: August 23, 2007



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